

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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JUL 17 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)	
)	
Amendment of Section 73.606(b))	MM Docket No. _____
Table of Allotments)	RM-
Television Broadcast Stations)	
(Hillsboro, Ohio and)	
Paintsville, Kentucky))	

To: Chief, Allocations Branch, Mass Media Bureau

JOINT PETITION FOR RULE MAKING

United Television, Inc. ("United"), and Marri Broadcasting, L.P. ("Marri") (collectively "Petitioners"), by their attorneys, and pursuant to Section 1.401 of the Commission's rules and its *Public Notice*, DA 99-2605 (released November 22, 1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations") ("*Window Filing Notice*"),¹ hereby request that the Commission institute a rule making proceeding for the purpose of amending the NTSC TV Table of Allotments to (i) delete unused Channel 55 at Hillsboro, Ohio, and (ii) substitute Channel 55 for existing Channel 69 at Paintsville, Kentucky. Accordingly, Petitioners propose to amend Section 73.606(b) of the Commission's rules as follows:

¹ On March 9, 2000, The Commission extended the window filing period until July 15, 2000. See *Public Notice*, 15 FCC Rcd 4974 (2000) ("Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000").

City	Channel No.	
	Present	Proposed
Hillsboro, Ohio	55+	—
Paintsville, Kentucky	69+	55z

United and Marri currently have competing applications pending for a new NTSC television station to operate on Channel 69 at Paintsville, Kentucky (File Nos. BPCT-960920KW and BPCT-960920IJ, respectively). Channel 69 is one of the channels covered by the *Window Filing Notice*.

As demonstrated by the attached engineering statement, subject to the deletion of unused Channel 55 at Hillsboro, Ohio, the proposed substitution of NTSC Channel 55 at Paintsville meets all allocation criteria specified in the Commission's rules and in the above-referenced *Public Notice*.

In the event Channel 55 is allotted to Paintsville, Petitioners will amend their pending applications in accordance with the Report and Order issued in this proceeding to specify the new channel, and will modify their technical proposals as necessary so that their proposed facilities will meet all applicable allotment criteria. In the event its application is granted, United or Marri, as the case may be, will timely construct the facilities authorized.

For the reasons stated, Petitioners respectfully request that the Commission grant this petition for rule making and amend the NTSC Table of Allotments by (i) deleting Channel 55 at Hillsboro, Ohio, and (ii) substituting Channel 55 for existing Channel 69 at Paintsville, Kentucky.

Respectfully submitted,

UNITED TELEVISION, INC.

July 17, 2000

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MARRI BROADCASTING, L.P.

July 17, 2000

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Its Attorney

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EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of the applicants for the NTSC Channel 69 assignment in Paintsville, Kentucky. They are: MARRI BROADCASTING, LP (BPCT-960920IJ), and UNITED TELEVISION, INC. ("United") (BPCT-960920KW) in support of their joint Petition for Rulemaking to substitute NTSC Channel 55 for NTSC Channel 69 in Paintsville, Kentucky.

According to the Commission's Public Notice DA 99-2605, "Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations," released November 22, 1999, applicants for NTSC allotments on Channels 60-69 have been afforded an opportunity to find an alternate NTSC or DTV channel below Channel 60. Our detailed channel search reveals that NTSC Channel 55 meets the analog spacing requirements of §73.610, as well as the DTV interference criteria of §73.623(c). Deletion of the unused NTSC Channel 55 allotment in Hillsboro, Ohio, is required in order to make this channel available in Paintsville, Kentucky.

Exhibit B is an NTSC spacing study for the new Channel 55 allotment in Paintsville, based on the reference coordinates for this community (37° 48' 48" N, 82° 48' 00" W). As shown, the only shortspacings involve WOWK-DT, Channel 54 in Huntington, West Virginia, the unused NTSC Channel 55 allotment in Hillsboro, Ohio, as well as the NTSC allotment and applications for Channel 69 in Paintsville.

EXHIBIT A

As previously mentioned, we request the deletion of the Channel 55 allotment in Hillsboro, along with the NTSC Channel 69 allotment in Paintsville.

With respect to potential interference to WOWK-DT, as well as other DTV facilities and allotments, we have analyzed the effect of a proposed NTSC Channel 55 Paintsville station. The operating parameters are identical to those in the United application, BPCT-960920KW. Proposed operating parameters are listed in Exhibit C.

Exhibit D is an allocation and interference study, which concludes that the proposed facility meets the requirements of §73.623(c)(2) of the Rules with respect to both NTSC and DTV facilities and is therefore in accordance with the terms of the aforementioned public notice.

It is thus requested that the FCC delete analog Channel 69 in Paintsville, Kentucky, and Channel 55 in Hillsboro, Ohio, and add NTSC Channel 55 to Paintsville, by changing §73.606(b) of its Table of [NTSC] Allotments, as follows:

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
Paintsville, Kentucky	69+	55z
Hillsboro, Ohio	55+	

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

KEVIN T. FISHER

July 14, 2000

**Smith and Fisher
Washington, DC**

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Dataworld Analog TV Spacing Study

Title: Paintsville, Kentucky (Channel 55)

Channel: 55 Zone II (716-722 MHz) Analog

Latitude: N 37° 48' 48.0"

Longitude: W 82° 48' 00.0"

Safety Zone: 60.0 km

Database: DW 7/13/2000 5:26:57 PM

Call City of License	Auth	Licensee name St	FCC File Number	Chan Zone	HAAT(m) HMSL(m)	ERP (kW)	Latitude Longitude	Br-to -from	Dist (km)	Req (km)
NEW	CP	Tazewell Television Corporation		48 +	196.0	5000	N 36° 27' 44.0"	205.5	165.9	95.70
Tazewell		TN	BPCT-960502KH	II	617.0		W 83° 35' 58.0"	25.0	70.22	CLEAR
CP granted 10/26/99 per 44603-11/1/99;Amd erp haat & amsl per 12/14/95;; DA: DIE ODD960502KH @ 210.0°										
NEW	App	Grant Telecasting, Inc.		50 -	367.0	5000	N 38° 45' 42.0"	347.9	107.7	31.40
Ashland		KY	BPCT-960723KX	II	601.0		W 83° 03' 41.0"	167.7	76.32	CLEAR
ALLOC				51 +	0.0	0	N 37° 28' 48.0"	145.8	44.74	31.40
Pikeville		KY		II	0.0		W 82° 30' 54.0"	326.0	13.34	CLOSE
WMSY-TV	Lic	Blue Ridge Public Television, In		*52 -	445.0	741	N 36° 54' 01.0"	132.0	150.6	31.40
Marion		VA	BLET-810722KF	II	1184.0		W 81° 32' 35.0"	312.8	119.2	CLEAR
Primary station: WBRA-TV Roanoke, VA										
WOWK-TV	DTV	Gateway Communications, Inc.		54	387.0	430.9	N 38° 30' 21.0"	33.7	92.68	106.0
Huntington		WV		I	614.0		W 82° 12' 33.0"	214.0	-13.3	SHORT
Digital channel; DTV Channel Allotment per MM Doc 87-268 (6th R & O) released 2/19/98;CP cancelled per 23706-4/1/96;; DA: rep WVHUNTINGTON54 @ 0.0°										
WOWK-TV	App	Gateway Communications, Inc.		54	389.0	920	N 38° 30' 21.0"	33.7	92.68	106.0
Huntington		WV	BPCDT-991029BZ	I	614.0		W 82° 12' 33.0"	214.0	-13.3	SHORT
Digital channel; DTV channel;To channel 27;; DA: DIE ODD991029BZ @ 0.0°										
ALLOC				55	0.0	0	N 39° 12' 06.0"	335.6	169.7	248.6
Hillsboro		OH		I	0.0		W 83° 36' 48.0"	155.1	-78.9	SHORT
* SUBJECT TO FILING FREEZE;										
WHAS-TV	App	Belo Kentucky, Inc.		*55	370.0	1000	N 38° 21' 23.0"	283.7	274.1	244.6
Louisville		KY	BPCDT-990712KE	II	565.0		W 85° 50' 52.0"	101.8	29.50	CLEAR
Digital channel; DTV channel;License granted 9/30/99 per 44600-10/27/99;; DA: DIE ODDWHAS-DT @ 0.0°										
WHAS-TV	DTV	Belo Kentucky, Inc.		*55	390.0	447.7	N 38° 21' 23.0"	283.7	274.1	244.6
Louisville		KY		II	585.0		W 85° 50' 52.0"	101.8	29.50	CLEAR
Digital channel; DTV Channel Allotment per MM Doc 87-268 (6th R & O) released 2/19/98;To K46EY;; DA: rep KYLOUISVILLE55 @ 0.0°										
ALLOC				*55 +	0.0	0	N 35° 56' 54.0"	224.4	286.8	280.8
Crossville		TN		II	0.0		W 85° 01' 36.0"	43.0	5.978	CLOSE
WFVT	Lic	WFVT-TV, Inc.		55 -	570.0	5000	N 35° 21' 44.0"	151.2	309.3	280.8
Rock Hill		SC	BLCT-950216KE	II	805.0		W 81° 09' 19.0"	332.2	28.46	CLEAR
WDKY-TV	CP	WDKY Licensee, LLC		56 o	351.0	5000	N 37° 47' 18.0"	269.6	165.6	87.70
Danville		KY	BPCT-960621KG	II	606.0		W 84° 40' 49.0"	88.5	77.92	CLEAR
CP granted 6/24/98 per 44273-6/30/98;To channel 45;; DA: AND ODD* @ 170.0°										
WYMT-TV	Lic	WYMT Licensee Corporation		57 -	475.0	2630	N 37° 11' 38.0"	206.1	76.56	31.40
Hazard		KY	BLCT-851219KF	II	889.0		W 83° 10' 52.0"	25.9	45.16	CLEAR
DA: SWR ODD851220KF @ 0.0°										

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Dataworld Analog TV Spacing Study

Title: Paintsville, Kentucky (Channel 55)

Channel: 55 Zone II (716-722 MHz) Analog

Latitude: N 37° 48' 48.0"

Longitude: W 82° 48' 00.0"

Safety Zone: 60.0 km

Database: DW 7/13/2000 5:26:57 PM

Call	Auth	Licensee name	Chan	HAAT(m)	ERP	Latitude	Br-to	Dist	Req
City of License		St	FCC File Number	Zone	HAMSL(m)	Longitude	-from	(km)	(km)
NEW	App	Fant Broadcast Development, L.L.	60 o	616.0	5000	N 37° 11' 35.0"	105.7	243.5	31.40
Roanoke		VA	BPCT-960722KI	II	1197.0	W 80° 09' 29.0"	287.3	212.1	CLEAR
DA: AND ODD* @ 275.0°									
NEW	App	TV Capital Corporation of Lexing	62 o	138.0	5000	N 38° 02' 07.0"	280.2	147.2	95.70
Lexington		KY	BPCT-960920WQ	II	431.0	W 84° 27' 04.0"	99.2	51.55	CLEAR
ALLOC			62	0.0	0	N 38° 02' 48.0"	280.4	151.1	95.70
Lexington		KY		II	0.0	W 84° 29' 36.0"	99.4	55.41	CLEAR
PREVIOUS CP RELINQUISHED BY PERMITTEE;									
ALLOC			*63 +	0.0	0	N 37° 15' 06.0"	114.5	148.0	31.40
Bluefield		VA	II	0.0		W 81° 16' 54.0"	295.5	116.6	CLEAR
ALLOC			69 +	0.0	0	N 37° 48' 48.0"	0.0	0.001	95.70
Paintsville		KY	II	0.0		W 82° 48' 00.0"	0.0	-95.7	SHORT
NEW	App	United Television, Inc.	69 +	203.0	5000	N 37° 47' 45.0"	182.9	1.945	95.70
Paintsville		KY	BPCT-960920KW	II	471.0	W 82° 48' 04.0"	2.9	-93.8	SHORT
NEW	App	Marri Broadcasting, LP	69 +	152.0	1500	N 37° 52' 16.0"	74.4	24.05	95.70
Paintsville		KY	BPCT-960920IJ	II	423.0	W 82° 32' 12.0"	254.6	-71.7	SHORT

>> End of channel 55 Zone II study <<

EXHIBIT C

PROPOSED OPERATING PARAMETERS

PROPOSED NTSC FACILITY
CHANNEL 55 - PAINTSVILLE, KENTUCKY

Channel Number:	55
Zone:	2
Site Coordinates:	37-47-45N 82-48-04W
Tower Site Elevation (AMSL):	419 meters
Overall Tower Height Above Ground:	61 meters
Overall Tower Height Above (AMSL):	480 meters
Effective Antenna Height Above Ground:	52 meters
Effective Antenna Height (AMSL):	471 meters
Average Terrain Elevation (2-10 miles):	268 meters
Effective Antenna Height Above Average Terrain:	203 meters
Antenna Make and Model:	Andrew ATW30H2H
Orientation:	Omnidirectional
Electrical Beam Tilt:	0.5°
Polarization:	Horizontal
Effective Radiated Power (main-Lobe, maximum):	5000 kw

EXHIBIT D-1

ALLOCATION AND INTERFERENCE STUDY

PROPOSED NTSC ALLOTMENT
CHANNEL 55 - PAINTSVILLE, KENTUCKY

An NTSC spacing study was conducted from the site proposed by United and described in Exhibit C. It concludes that the proposed facility meets all spacing requirements of Section 73.610 of the FCC Rules with respect to other NTSC facilities, authorizations and assignments (except for those to the Hillsboro and Paintsville allotments, the deletion of which are proposed in this petition.)

An interference study was then conducted using the operating parameters of the facility described herein to determine if it meets the FCC's interference requirements of Section 73.623(c)(2) of the Commission's Rules. Specifically, the proposed facility may not cause 0.5 percent interference to the service population of an authorized or proposed DTV station or allotment facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 db μ or greater and lies within the predicted 41 db μ contour of the station using the F(50,90) curves, the station's effective radiated power, and 2-10 mile terrain averages along each radial.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe" computer program, which has been found generally to mimic the FCC's program. Changes in interference caused by the proposed allotment facility to other pertinent stations are tabulated in Exhibit D-2.

As indicated, the proposed allotment contributes less than 0.5 percent interference to the service population of any potentially affected DTV station. In addition, the proposed

EXHIBIT D-1

allotment will not affect any Class A LPTV station, since such facilities cannot be licensed on non-core channels such as Channel 55.

Therefore, this proposal meets the FCC's interference standards as defined in Section 73.623(c) of the Commission's Rules.

DTV INTERFERENCE ANALYSIS

PROPOSED NTSC TELEVISION ALLOTMENT
CHANNEL 55 - PAINTSVILLE, KENTUCKY

			INTERFERENCE LOSSES (POPULATION)				
DTV Call Sign	City, State	Ch.	41 dbu Service Population (Longley-Rice)	NTSC & DTV Without Paintsville	NTSC & DTV With Paintsville	Unmasked BPET-960628KM Paintsville	% of DTV Service Population*
WHAS-DT (Allot.)	Louisville, KY	55	1,486,170	1,266	2,693	1,427	0.1
WHAS-DT (Appl.)	Louisville, KY	55	1,480,574	2,822	4,211	1,389	0.1
WRCB-DT (Allot.)	Chattanooga, TN	55	903,686	952	1,250	298	<0.1
WRCB-DT (Appl.)	Chattanooga, TN	55	995,136	3,373	3,523	150	<0.1
WOWK-DT (Allot.)	Huntington, WV	54	994,616	276	1,049	773	0.1
WOWK-DT (Appl.)	Huntington, WV	54	1,112,070	6,921	7,924	1,003	0.1

* Must be less than 0.5%, under FCC *de minimis* interference standards.